



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/553,072

10/12/2005

Toshiaki Inada

74020200-94

2723

22204

7590

03/23/2009

NIXON PEABODY, LLP

401 9TH STREET, NW

SUITE 900

WASHINGTON, DC 20004-2128

EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

03/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,072	Applicant(s) INADA, TOSHIAKI	
	Examiner D. S. Nakarani	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 and 4-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 9-10, the phrase "the styrene/(poly)olefin block copolymer has a glass transition temperature (T_g or $\tan\delta$ absorption) of from -20°C to $+50^{\circ}\text{C}$ " and claims 5 and 10, lines 4-6, the phrase "a styrene/(poly)olefin block copolymer having a glass transition temperature of from -10°C to $+40^{\circ}\text{C}$ " renders claims indefinite since a styrene/(poly)olefin block copolymer has two deferent glass transition temperatures, one glass transition temperature for the polystyrene block and another for the (poly)olefin block. It is not clear from the claim language, the recited glass transition temperature range refers to which glass transition temperature of which block of the styrene/(poly)olefin block copolymer. In absence of specifying recited glass transition temperature range referring to specific block claims are indefinite and confusing.

3. Claims 1 and 4-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inada et al (U. S. Patent 6,380,296 B1) in view of Vosters (U. S. Patent 5,863,978).

Art Unit: 1794

Inada discloses a resinous interior material, flooring material and skirting material comprising all recited components except a styrene/(poly)olefin block copolymer (See claims 1-12).

Vosters discloses composition for floor and wall coverings comprising: ethylene vinyl acetate copolymer, polyolefin, styrene/(poly)olefin block copolymer and filler.

Vosters discloses that addition of styrene/(poly)olefin block copolymer to the composition results in good processability, relatively low density, good surface appearance and good scratch resistance (Col. 1, lines 25-67, col. 3, line 15 to col. 4, line 34 and Tables 1 and 2). Vosters discloses styrene/(poly)olefin copolymer such as SBS, SIS, BSB, (SB)_n, (SI)_n etc., wherein B represents polybutadiene block, S represents polystyrene block, I represents polyisoprene block (Col. 3, line 15 to col. 4, line 20).

Vosters' polystyrene/polyisoprene block deemed to be similar to the polystyrene/poyisoprene block polymer disclosed in Example 1 of the present disclosure. Therefore Vosters' SBS, SIS, BSB, (SB)_n, (SI)_n etc. block copolymer inherently deemed to have a glass transition temperature within the claimed range unless shown otherwise.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize disclosure of Vosters in the invention of Inada to add styrene/(poly)olefin block copolymer to lower density.

No claims are allowed.

Art Unit: 1794

4. Applicant's arguments filed January 15, 2009 have been fully considered but they are not persuasive. In reference to rejection of claims under 35 U.S.C. § 112, second paragraph, applicant agrees that styrene/(poly)olefin block copolymer has two different glass transition temperatures and states that the styrene/(poly)olefin block copolymer has a glass transition temperature within the claimed range does not exclude the case where the styrene/(poly)olefin block copolymer has two different glass transition temperature. Applicant further argues that the recited glass transition temperature range does not preclude the possibility of the block copolymer having one or more glass transition temperatures, which may be within or outside the recited range.

These arguments are unpersuasive because since the claimed block polymer has more than one glass transition temperature precisely for that reason the recited glass transition temperature should refer to a specific polymer block to obviate confusion and make claim definite.

In reference to rejection of claims 1-14 under 35 U.S.C. 103(a) as being unpatentable over Inada et al (U. S. Patent 6,380,296 B1) in view of Vosters (U. S. Patent 5,863,978), applicant essentially argues that Inada et al do not teach or suggest styrene/(poly)olefin block copolymer. Vosters discloses a composition useful in wall and floor covering comprising a styrene/(poly)olefin block copolymer. However there is no teaching or suggestion in Vosters about the glass transition temperature range of the styrene/(poly)olefin block copolymer.

These arguments are unpersuasive because Vosters block copolymers such as (SI)_n i.e. polystyrene/polyisoprene block copolymer is similar to the

Art Unit: 1794

polystyrene/polyisoprene block copolymer used in Example 1 of the present disclosure.

Therefore Vosters' polystyrene/polyisoprene block copolymer inherently deemed to have glass transition temperature within the claimed range unless shown otherwise.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/D. S. Nakarani/
Primary Examiner, Art Unit 1794**

DSN
March 19, 2009.